

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

DAVID BIEBEL,	)	ERIE DIVISION
	)	
Plaintiff,	)	CIVIL ACTION NO. 05-10
	)	
vs.	)	
	)	
KOHL'S DEPARTMENT STORE,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

**MOTION IN LIMINE TO EXCLUDE MEDICAL BILLS**

AND NOW, comes Defendant, Kohl's Department Stores, Inc., incorrectly identified as Kohl's Department Store, by and through its attorneys, Tighe, Evan, Schenck and Paras, and files the following Motion in Limine to Exclude Medical Bills:

1. Plaintiff has produced through discovery medical bills from various treatment providers allegedly incurred as a result of injuries sustained as a result of his fall at Kohl's.
2. Some of the medical bills reflect that Medicare paid less than the actual charge submitted by each provider and that each provider adjusted or otherwise wrote off portions of each bill.
3. Under Pennsylvania law, a plaintiff's recovery for past medical services is limited to the amount actually paid and accepted as payment in full by the provider. Moorhead v. Crozer Chester Medical Center, 564 Pa. 156, 765 A.2d 786 (2001).

4. In the present case, plaintiff should be precluded from introducing into evidence those portions of each medical bill that exceed the amount paid by Medicare. Plaintiff should be limited to submitting bills reflecting the amounts paid by Medicare and any co-pays owed or paid by plaintiff.

WHEREFORE, Defendant Kohl's Department Stores, Inc., respectfully requests the within Motion in Limine to Exclude Medical Bills be granted.

Respectfully submitted,

TIGHE, EVAN, SCHENCK & PARAS

By 

Cynthia L. O'Donnell, Esquire  
Pa. I.D. No. 59541

Attorney for Defendant Kohl's  
Department Stores, Inc., incorrectly  
identified as Kohl's  
Department Store

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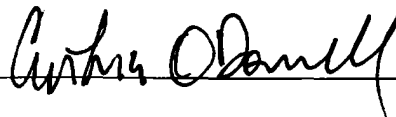
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **MOTION IN LIMINE  
TO EXCLUDE MEDICAL BILLS** has been served upon all parties listed below via First  
Class, U.S. Mail, postage pre-paid, on this 12 day of October, 2005:

Kevin W. Barron, Esquire  
821 State Street  
Erie, PA 16501  
(Attorney for Plaintiff)

TIGHE, EVAN, SCHENCK & PARAS

By: \_\_\_\_\_



Cynthia L. O'Donnell, Esquire  
Pa. I.D. No. 59541  
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